



## ILLINOIS COMMERCE COMMISSION

April 9, 2003

Union Pacific Railroad Company,  
Petitioner,

Vs.

Kane County, State of Illinois, and Illinois Department of  
Transportation,  
Respondents.

T03-0030

Petition for an Order of the Illinois Commerce Commission for the Closure  
of Brundige Road, Public Grade Crossing D.O.T. #175003E at Milepost  
39.40 on the Elburn Extension of the Geneva Subdivision, Unincorporated  
area of Kane County, Illinois.

Mr. Mack Shumate, Jr.  
Union Pacific Railroad Company  
101 N. Wacker Dr., Ste. 1920  
Chicago, IL 60606

Dear Mr. Shumate:

Receipt is acknowledged of the original and two (2) copies of the Petition filed April 7, 2003  
in the above matter.

Processing and Information Section

kl

cc: Mr. James Easterly/Jeff Harpring, IDOT  
Mr. Dave McKernan, UP  
CT Corporation System, UP  
Mr. Carl Schoedel, Kane County

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

RECEIVED  
APR 7 2003

Illinois Commerce Commission  
RAIL SAFETY SECTION

UNION PACIFIC RAILROAD COMPANY )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
KANE COUNTY, STATE OF ILLINOIS, and )  
ILLINOIS DEPARTMENT OF TRANSPORTATION, )  
 )  
Respondents. )

T03- 0030

**PETITION**

Petitioner, Union Pacific Railroad Company, represents to the Illinois Commerce Commission (hereinafter "Commission") as follows:

1. Petitioner, Union Pacific Railroad Company, (hereinafter "Railroad"), is a Delaware corporation engaged in the business of providing common carrier freight service by railroad, owning and operating railroad tracks and equipment in the state of Illinois, and is authorized to do business in the state of Illinois, with offices at 101 North Wacker Drive, Room 1920, Chicago, Illinois 60606.

2. Kane County, Illinois, (hereinafter "Kane County"), is a political subdivision of the state of Illinois, located in the County of Kane, with offices at 41W011 Burlington Road, St. Charles, Illinois 60175, and is vested with

responsibility for maintenance of county roads within its county limits.

3. Railroad operates multiple lines of track through Kane County in what is commonly referred to as the Geneva Subdivision, including, but not limited to, Milepost 39.40.

4. Brundige Road, at Milepost 39.40 (D.O.T. No. 175003E), is a Kane County road located in and maintained by Kane County. The roadway surface of Brundige Road is gravel north of the crossing and black top south of the crossing.

5. Railroad's track through Kane County crosses Brundige Road at grade. A double main track, soon to be expanded to a triple main track, crosses Brundige Road. This grade crossing is shown on the map marked Exhibit "A" and hereby made a part hereof, and is designated by the United States Department of Transportation and by railroad milepost location as follows:

Street	U.S. DOT#	Railroad Milepost
Brundige Road	175003E	39.40

The above Railroad milepost designates a milepost location on Railroad's Geneva Subdivision.

6. Brundige Road crossing is currently protected by bells, gates and flashing light signals.

7. Railroad currently operates an average of at least eighty (80) freight trains per day on the track over the

above listed grade crossing (hereinafter referred to as "Subject Crossing" or "Brundige Road crossing"), at a maximum timetable speed of 70 M.P.H. When the Elburn extension by the Northeast Illinois Regional Commuter Railroad Corporation ("Metra") is complete, an average of at least one hundred fifty(150) through freight and commuter passenger trains will operate per day on the track over the Subject Crossing at a maximum timetable speed of 70 M.P.H.

8. The Railroad believes that public safety would benefit from the closure of the Subject Crossing at Brundige Road. In point of fact, the Chicago Commuter Grade Crossing Steering Committee has determined that the Subject Crossing should be closed.

9. Closing the Brundige Road crossing would have minimal impact on the public's convenience and necessity as other crossings, including the Peck/Keslinger Road overpass, the Harley Road overpass and the soon to be constructed Anderson Road overpass, all of which are in very close proximity to the Subject Crossing, provide vastly superior, convenient, necessary and substantially safer access across the Railroad's tracks.

10. The Railroad proposes that the closure of Brundige Road Crossing be at the Railroad's sole cost and expense.

11. The Railroad will make the necessary road closing upgrades to Brundige Road in the vicinity of the crossing.

12. The most recent vehicle traffic count for the Subject Crossing was performed by Niemeyer & Associates, P.C. on February 25 and 26, 2002. The results of this vehicle traffic count are attached hereto as Exhibit "B" and by this reference are hereby made a part hereof. A Highway Grade Crossing Physical Characteristic Data Report showing the physical characteristics of the Subject Crossing is attached hereto as Exhibit "C" and is hereby made a part hereof.

13. A general print of the area currently served by the Subject Crossing (the "Area") is attached hereto as Exhibit "D" and by this reference hereby made a part hereof.

14. The Highway Grade Crossing Physical Characteristics Data Sheet for the Subject Crossing (Exhibit "C") includes a grade crossing visibility statement which details a Four Quadrant vision survey for Brundige Road. This document details the undesirable location of the Subject Crossing from the standpoint of the Northeast and Northwest Quadrants.

15. Brundige Road is a gravel road north of the Subject Crossing and the Subject Crossing is a twenty-four (24) foot wide Omni rubberized crossing. Signalization at the Subject Crossing consists of bells, flashers and gates with

advanced warning signs 472 feet to the north and 483 feet to the south. The Brundige Road crossing is located mid-way between the LaFoux Road crossing, approximately 6,500 feet to the west and the overhead bridge approximately 6,500 feet to the east, which carries both Peck Road and Keslinger Road over the Railroad's trackage.

When the Elburn extension is completed for commuter rail traffic, the number of trains crossing on a daily basis will double to over 150 per day. Some of the unit freight trains will travel through the crossing in no less than fourteen (14) minutes. In total, after installation of the third main track for commuter operations, the Brundige Road Crossing will experience approximately three (3) hours of train occupancy during each twenty-four (24) hour period.


In addition, the obstructed sight lines in the Northeastern and Northwestern Quadrants of the Brundige Road crossing on the non-railroad owned property adjacent to the Railroad's property, coupled with the existence of an elementary school in the Southwest Quadrant, clearly establishes that the Brundige Road crossing is a good candidate for elimination. This, coupled with the fact that a bridge facility at the intersection of Peck Road, Keslinger Road and the Railroad's trackage within only 6,500 feet of the Brundige Road crossing, clearly establishes the Peck Road and Keslinger Road overhead

bridge crossing of the Railroad's trackage as a preferred route not only for safety, but for assurance that vehicular travel will not be delayed by Railroad train operations.

WHEREFORE, Railroad prays that the Commission make such investigation and hold such hearings as it deems necessary and enter an Order authorizing the closure of the grade crossing at Brundige Road in the County of Kane, state of Illinois, with contribution being required from the Railroad in the form of 100% of the railroad crossing closure costs for Brundige Road.

UNION PACIFIC RAILROAD COMPANY

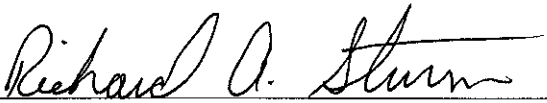
By:

  
Mack H. Shumate, Jr.  
Attorney for Petitioner

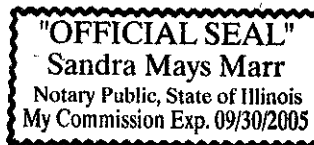
Mack H. Shumate, Jr.  
Attorney for Petitioner  
Union Pacific Railroad Company  
101 North Wacker Drive, Room 1920  
Chicago, IL 60606  
312/777-2055

VERIFICATION

Richard A. Sturm, being first duly sworn on oath,  
deposes and states that he is the Director Track Maintenance in  
the Engineering Department for Union Pacific Railroad Company;  
that he has read the foregoing Petition and that the facts  
contained therein are true and correct to the best of his  
knowledge, information and belief.

  
Richard A. Sturm

Subscribed and sworn to  
Before me this 3<sup>rd</sup> day of  
April, 2003.



  
Notary Public



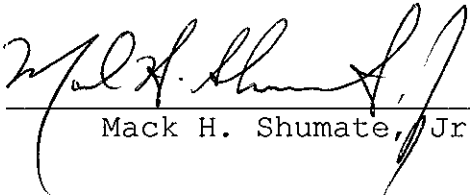
PROOF OF SERVICE

The undersigned attorney hereby certifies that a copy of the foregoing instrument was served by depositing same in the United States Post Office Mailbox at 101 North Wacker Drive, Chicago, Illinois on April 3, 2003, in an envelope with postage fully prepaid to and in the following manner addressed:

Mr. James C. Slifer  
Director Division of Highways  
Illinois Department of Transportation  
2300 South Dirksen Parkway  
Springfield, IL 62764

Mr. Paul Rogowski  
Director-Division of Transportation  
Kane County  
41W011 Burlington Road  
St. Charles, IL 60175

Mr. Robert Berry  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62794-9280

  
Mack H. Shumate, Jr.

STATE OF ILLINOIS

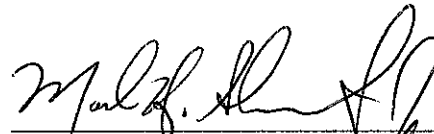
ILLINOIS COMMERCE COMMISSION

UNION PACIFIC RAILROAD COMPANY	)	
	)	
Petitioner,	)	
	)	
vs.	)	T03-
	)	
KANE COUNTY, STATE OF ILLINOIS, and	)	
ILLINOIS DEPARTMENT OF TRANSPORTATION,	)	
	)	
Respondents.	)	

**NOTICE OF FILING**

TO: Kevin Sharpe  
Director of Processing  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62794-9280

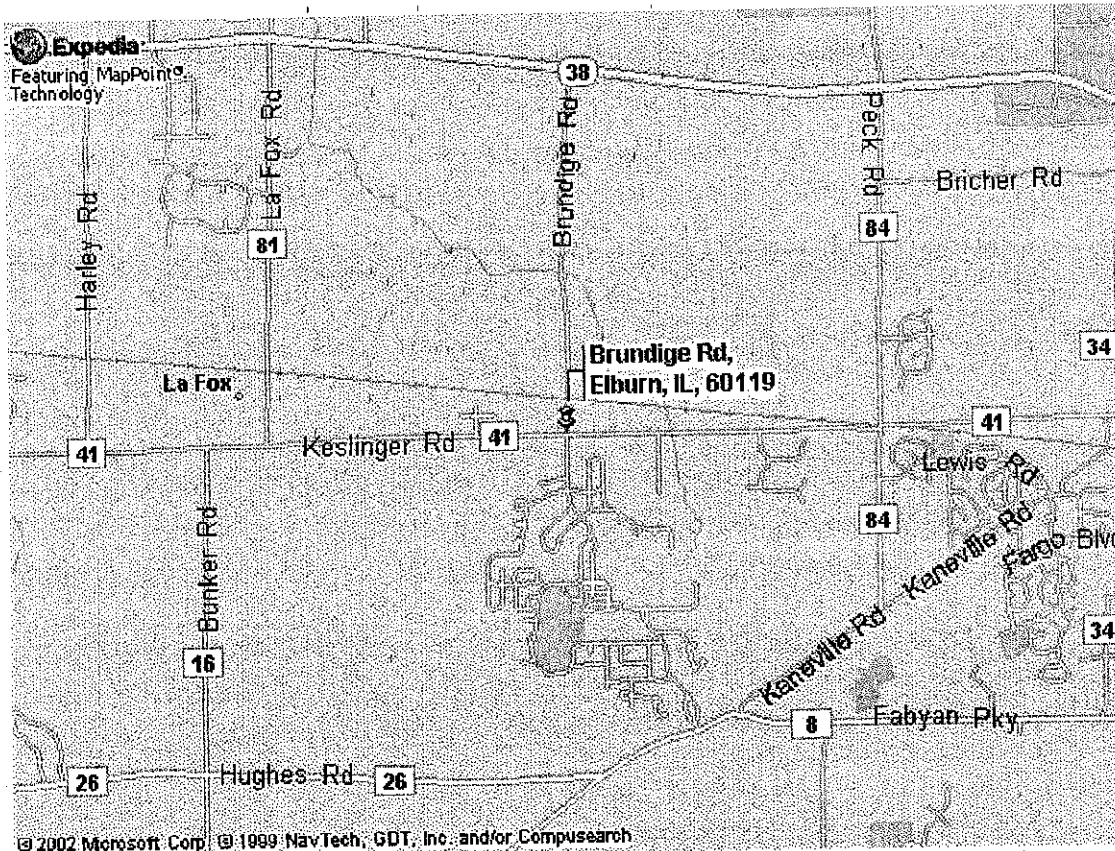
PLEASE TAKE NOTICE that I have filed this 3<sup>rd</sup> day of April, 2003, Union Pacific Railroad Company's Petition with the Illinois Commerce Commission regarding the captioned matter.

  
\_\_\_\_\_  
Mack H. Shumate, Jr.  
Its Attorney

Mack H. Shumate, Jr.  
Attorney for Petitioner  
Union Pacific Railroad Company  
101 North Wacker Drive, Suite #1920  
Chicago, IL 60606  
312/777-2055

EXHIBIT "A"

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Niemeyer & Associates, P.C.  
Engineers

EXHIBIT "B"

4415 Beck Lane, Ringwood, Illinois 60072-9688 • (815) 653-9400

FAX (815) 728-0220

MR. JERRY E. LIENEMANN  
Manager Field Engineers  
Union Pacific Railroad Company  
500 West Madison Street, Suite 3610  
Chicago, Illinois 60661

March 1, 2002

Dear Jerry:

Enclosed, please find tally sheets for the traffic counts which have been completed at Brundige and Pouley Roads near Elburn, Illinois. I am also enclosing copies of the count sheets used in the field. The counts were taken by Geoffrey Burke, Tom Resch and Bob Beyer

The Brundige Road count was initiated at 8:00 A.M. on Monday, February 25, 2002 and completed at 8:00 A.M. on the following day (Tuesday, Feb. 26). The Pouley Road count was initiated at 8:00 A.M. on Tuesday, February 26, 2002 and completed at 8:00 A.M. on the following day (Wednesday, Feb. 27).

If you need any additional information, please do not hesitate to call or write. Niemeyer & Associates appreciates the opportunity to provide this service to you.

Sincerely Yours,

RWB/rwb

Bob Beyer

## VEHICLE TRAFFIC COUNT

HOURS	HIGHWAY TRAFFIC					GATES DOWN OR TRAFFIC DELAY		UNUSUAL CONDITIONS AFFECTING TRAFFIC OVER CROSSING (Other Remarks)
	pedestrians	automobiles	busses	bicycles	trucks	minutes	seconds	
12:01 A.M. TO 1 A.M.	—	—	—	—	—	14	53	
1 A.M. TO 2 A.M.	—	—	—	—	—	1	32	
2 A.M. TO 3 A.M.	—	—	—	—	—	3	47	
3 A.M. TO 4 A.M.	—	—	—	—	—	1	26	
4 A.M. TO 5 A.M.	—	1	—	—	—	10	12	
5 A.M. TO 6 A.M.	—	—	—	—	—	—	—	
6 A.M. TO 7 A.M.	—	1	—	—	5	2	24	
7 A.M. TO 8 A.M.	—	4	1	—	3	3	56	
8 A.M. TO 9 A.M.	—	4	—	—	6	2	53	
9 A.M. TO 10 A.M.	—	3	—	—	2	14	4	
10 A.M. TO 11 A.M.	—	5	—	—	6	5	5	
11 A.M. TO 12:01 P.M.	—	2	1	—	1	8	14	
12:01 P.M. TO 1 P.M.	—	3	—	—	2	4	14	
1 P.M. TO 2 P.M.	—	2	—	—	3	6	24	
2 P.M. TO 3 P.M.	—	6	1	—	4	8	12	
3 P.M. TO 4 P.M.	1	2	—	—	7	8	31	
4 P.M. TO 5 P.M.	—	11	—	—	5	6	10	
5 P.M. TO 6 P.M.	—	8	—	—	3	5	2	
6 P.M. TO 7 P.M.	—	4	—	—	—	—	—	
7 P.M. TO 8 P.M.	—	5	—	—	2	—	—	
8 P.M. TO 9 P.M.	—	4	—	—	1	5	10	
9 P.M. TO 10 P.M.	—	2	—	—	—	8	2	
10 P.M. TO 11 P.M.	—	—	—	—	—	5	0	
11 P.M. TO 12:01 A. M.	—	—	—	—	—	4	0	
TOTAL	1	68	3	—	50	129	11	

FOR BRUNDIGE ROAD  
(Name or description of Highway Crossing)

175.003E EL BURN (4.5 MI. E.)  
Crossing ID No. Town (Show distance from)

ILLINOIS  
State

START DATE FEBRUARY 25, 2002

RECORDER 8 A. M. TO 4 P. M. GEOFFREY BURKE

DAY OF WEEK MONDAY-TUESDAY

RECORDER 4 P. M. TO 12 P. M. THOMAS L. RESCH

WEATHER CONDITIONS LIGHT SNOW TEMP -20's

RECORDER 12 A. M. TO 8 A. M. ROBERT W. BEVER

TYPE OF PROTECTION PRESENTLY PROVIDED. FLASHING LIGHTS, GATES AND BELL. ROADWAY IS UNPAVED IN AREA OF CROSSING.

## VEHICLE TRAFFIC COUNT

HOURS	HIGHWAY TRAFFIC					GATES DOWN OR TRAFFIC DELAY		UNUSUAL CONDITIONS AFFECTING TRAFFIC OVER CROSSING (Other Remarks)
	pedestrians	automobiles	busses	bicycles	trucks	minutes	seconds	
12:01 A.M. TO 1 A.M.	—	4	—	—	—	8	24	
1 A.M. TO 2 A.M.	—	—	—	—	—	1	55	
2 A.M. TO 3 A.M.	—	—	—	—	—	4	36	
3 A.M. TO 4 A.M.	—	3	—	—	—	2	7	
4 A.M. TO 5 A.M.	—	3	—	—	—	2	8	
5 A.M. TO 6 A.M.	—	14	—	—	1	3	59	
6 A.M. TO 7 A.M.	—	29	—	—	4	1	46	
7 A.M. TO 8 A.M.	—	52	—	—	2	5	50	
8 A.M. TO 9 A.M.	—	32	1	—	11	12	22	
9 A.M. TO 10 A.M.	—	17	—	—	8	3	2	
10 A.M. TO 11 A.M.	—	15	—	—	10	9	20	
11 A.M. TO 12:01 P.M.	—	16	1	—	7	11	6	
12:01 P.M. TO 1 P.M.	—	13	1	—	5	6	18	
1 P.M. TO 2 P.M.	—	18	—	—	5	3	17	
2 P.M. TO 3 P.M.	—	25	—	—	7	6	56	
3 P.M. TO 4 P.M.	—	39	1	—	10	11	52	
4 P.M. TO 5 P.M.	—	47	—	—	13	7	20	
5 P.M. TO 6 P.M.	—	42	—	—	8	3	14	
6 P.M. TO 7 P.M.	—	23	—	—	11	—	—	
7 P.M. TO 8 P.M.	—	15	—	—	1	3	48	
8 P.M. TO 9 P.M.	—	9	—	—	4	7	0	
9 P.M. TO 10 P.M.	—	7	—	—	3	7	40	
10 P.M. TO 11 P.M.	—	7	—	—	2	5	40	
11 P.M. TO 12:01 A.M.	—	1	—	—	—	1	50	
TOTAL	—	431	4	—	112	131	30	

FOR POUILLEY ROAD  
(Name or description of Highway Crossing)175 006A  
Crossing ID No.ELBURN (1.5 MI. E.)  
Town (Show distance from)ILLINOIS  
StateSTART DATE FEBRUARY 26, 2002RECORDER 8 A.M. TO 4 P.M. GEOFFREY BURKEDAY OF WEEK TUESDAY, WEDNESDAYRECORDER 4 P.M. TO 12 P.M. THOMAS L. RESCHWEATHER CONDITIONS LIGHT SNOW TEMP -20'sRECORDER 12 A.M. TO 8 A.M. ROBERT W. BEYERTYPE OF PROTECTION PRESENTLY PROVIDED. FLASHING LIGHTS, GATES AND BELL

(Table 1)

The *Illinois Commerce Commission, Part 1536, Grade Crossing Closure and Opening* considers the following information as part of the crossing closure petition process.

1536 Section	Requirement	Brundige Road	Pouley Road
1536.10.b.1	1536.10.b.1, Crossing located in incorporated city, village or town or in an unincorporated area	Unincorporated area	Unincorporated area
1536.10.b.2	Crossing is signalized or unsignalized	Signalized	Signalized
1536.10.b.3	Average daily vehicular traffic and posted speed limit	121, 55 mph	547, 55 mph
1536.10.b.4	Average daily freight train traffic	54	54
1536.10.b.5	Average daily passenger train traffic	0 currently	0 currently
1536.10.b.6	Maximum speed for freight and passenger trains	70 mph	70 mph
1536.10.b.7	Location of two nearest public rail-highway crossings	LaFox Rd Peck Rd	Highway 47 Harley Rd
1536.10.b.8	Crossings accident history for last 5 years	Not available	Not available
1536.10.b.9	Alignment of roadway and railroad and adequacy of visibility from roadway to railroad based on AASHTO	60-90 degrees, Visibility appears to be acceptable	60-90 degrees, Visibility appears to be acceptable
1536.10.b.10	Types of vehicular traffic that uses the crossing	68 autos 3 buses 50 trucks	431 autos 4 buses 112 trucks
1536.10.b.11	Location and address of emergency responders having jurisdiction for crossing	???	???

Since the crossings are located in unincorporated areas and they are signalized, both crossings are considered Category 3 crossings. Other factors to be considered when petitioning for the closure of Category 3 crossings are as follows:

1536 Section	Requirement	Brundige Road	Pouley Road
1536.20.c.3	Average daily traffic $\leq 75$ and $TVSI = \text{Train volume} \times \text{Train Speed} \geq 300$	ADT = 121 TVSI = 3,780	ADT = 547 TVSI = 3,780
1536.20.i.2	The alternate public crossing will not be considered adequate if the amount of adverse distance is greater than 4 miles	Adverse Dist. = 5.6 miles	Adverse Dist. = 5.6 miles

Based on the information included above, it does not appear that either of these crossings meets the criteria outlined by the provisions of *The Illinois Commerce Commission, Part 1536, Grade Crossing Closure and Opening*.

**UNION PACIFIC RAILROAD COMPANY**  
**COMMUTER OPERATIONS**  
**HIGHWAY GRADE CROSSING PHYSICAL CHARACTERISTICS DATA**

LOCATION Geneva IL DATE \_\_\_\_\_STREET Brundige Road DOT # 175003 E

HIGHWAY NO. \_\_\_\_\_ (TOWN, COUNTY, STATE, FEDERAL)

ANGLE OF CROSSING 90°  
DIRECTION OF TRACK E/W  
DIRECTION OF HWY N/SNO. OF TRACKS 2 MAIN 2 SIDE \_\_\_\_\_WIDTH OF ROADWAY - PAVEMENT 20' SHOULDER TO SHOULDER 24'TYPE OF PAVEMENT GravelTYPE & WIDTH OF CROSSING OMNI rubber, 24' wideCONDITION OF CROSSING FairAPPROACH GRADES Ascending from south at 3.62%Ascending from north at 5.50%LOCATION & WIDTH OF WALKS N/ATYPE & LOCATION OF EXISTING PROTECTION Bell, flashers, gates are 18.5' to north and 20' to south of a line that is equidistant and between the 2 tracks. Early warning signs 472' to north and 483' to south.LOCATION OF STREET LIGHTS One street light at intersection of Keslinger Road & Brundige Road, 750' south of crossing.REMARKS: There is an elementary school in the southwest quadrant of the intersection of Keslinger Road and Brundige Road.